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Norgate's suggestion that the marriage had been originally proposed by Philip and was carried out by John as part of a considered policy connected with the internal conditions of Poitou, with the "deliberate purpose of goading [the Lusignans] into some outrageous course of action which might enable him to recover La Marche and ruin them completely" (*John Lackland*, 75-77). Professor Adams writes, "the Great Charter was drawn up and sealed on June 15, 1215" (p. 437). The point is discussed by Mr. McKechnie (*Magna Carta*, 48-49), who makes out a strong case for the view that several days were consumed in negotiation, so that the charter did not pass the seal until June 19; and even if Mr. McKechnie's book came too late to be used, this point had already been raised by Blackstone.

The statement that Matilda was crowned "Queen of Germany" (p. 155), and the description of John's second primate as "Stephen of Langton" (p. 409), are surely slips. Misprints are uncommon, indeed we have noticed only three (pp. 244, 372, 377). The rendering of *legalis homo* by "legal man" strikes one as both awkward and misleading.

It must be confessed that the whole book is without literary grace or adornment, but serious and even pedestrian as the style is, it is neither dry nor repellent. Still occasional lapses occur, and we cannot pass without a protest such a sentence as this: "Coming to the door of the church, he knelt and prayed; at the spot where Thomas fell, he wept and kissed it" (p. 310). Examples of the same sort of thing may be found on pp. 263, 308, 358, 410.

We have dealt much in criticism, but it would be unjust at once to the excellence of Professor Adams's work and to our own sense of its value to conclude without a word of appreciation of the service which he has rendered to students of English history, whether they be beginners or teachers. His book is informed with a large-minded, conscientious desire to see the past as it actually was and to represent it truthfully to men of his own day.

GAILLARD THOMAS LAPSLEY.

Forum Turolii, Regnante in Aragonia Adefonso Rege, anno Dominice Nativitatis mclxxvi. Transcripcion y estudio preliminar de FRANCISCO AZNAR Y NAVARRO. (Zaragoza: Cecilio Gasca. 1905. Pp. xlvii, 300.)

THE series of which this is the second volume—the *Colección de Documentos para el Estudio de la Historia de Aragón*—gives promise of affording valuable assistance to the student of the medieval period, not only in Spain but in general. The first volume, issued in 1904 by Don Eduardo Ibarra y Rodríguez (see this REVIEW, X. 915), contained an interesting collection of *Documentos correspondientes al Reinado de Ramiro I. desde 1034 hasta 1063 años*, and the present one is even more valuable.

Alfonso II. of Aragon in 1171 advanced the border of the Reconquest to Teruel, and in 1176 he granted to the new settlers this Fuero or Customary. It is exceedingly complete and elaborate, consisting of 552 articles, comprising all the details of civic life coming within the scope of the lawgiver, and consequently it presents us with an unrivalled review of medieval habits and customs. Of course such a body of laws could not be evolved from the inner consciousness of the sovereign, and this is a development from the anterior Fuero of Daroca. It continued for ages to satisfy the needs of the community, for it was sworn to, in 1547, by decree of Prince Philip, acting for his father Charles V. In 1564 it was revised in some respects, to accommodate it to the autocratic principles of Philip, then king. After the Córtes of Tarazona, in 1592, when the troubles occasioned by Antonio Pérez enabled Philip to make a breach in the liberties of Aragon, he abrogated the Fuero of Teruel, in 1597, by a transparent fiction, in which the people were represented as asking for this change and were forced to pay him 122,000 libras for the privilege of subjecting themselves to the laws of Aragon. Not only did it thus prove itself as adapted to the needs of Teruel and its district, extending over some twelve hundred square miles, but it was the source of much of the local legislation of Castile. The Fuero of Cuenca was based upon it, and thence it was transplanted to Sepúlveda, where it served as a model for various other places. Its importance as a medieval document can thus be understood, and the merit of rendering it accessible to students can be appreciated.

Of the three hundred pages which it occupies there is scarcely one which does not afford insight into the manners and modes of thought of the period, showing that society was by no means so simple and rude as we are apt to imagine. When we read (p. 133) of a fine of ten sueldos for casting water from a window, or spitting upon one in the street, we recognize a refinement greater than that existing, five hundred years later, in Madrid or Edinburgh; and a similar early solicitude for cleanliness and health is seen in the provision (p. 49) that whoever dirties the street shall cleanse it and pay five sueldos.

There is conspicuous proof of the toleration prevailing throughout Spain during the earlier Middle Ages in the law (p. 16) providing that homicide committed by a Jew on a Christian, or by a Christian on a Jew, is to be treated like homicide between Christians. The *Maurus pacis*—the Mudéjar, or Moor domiciled among Christians—was treated, however, somewhat less equitably (p. 17). The Christian, indeed, who wounded or slew a Moor paid for him the same *wergild* as for a Christian. So the Moor wounding a Christian also paid the same as a Christian, but, if the Christian died, the Moor was delivered to the kindred, to extort the *wergild* and then do with him as they pleased. The difference is probably attributable, not to religious discrimination, but to the fact that the Moor was more sudden and quick in quarrel than the Jew, and therefore was regarded as requiring sharper restraint. In an age of class privilege it reflects the stubborn assertiveness of Aragonese

freemen that a noble or knight, committing violence of any kind in the district of Teruel, could be slain without incurring the penalties of homicide (p. 14).

The primitive methods of proving innocence of course were in vogue. Compurgation with six or twelve compurgators was used, but mostly for churchmen. For women the red-hot iron ordeal was sometimes employed (p. 209). Among laymen the usual solvent, in both civil and criminal matters, was the wager of battle, which was conducted under very peculiar regulations. If there were several defendants, one was chosen by lot, and he could elect whether to fight on horseback or on foot. The appellant apparently never fought personally, but by a champion, who was not to be a mercenary or one who had previously served in that capacity in Teruel. If the combat was to be on horseback, the appellant had three terms of nine days, in each of which to produce five cavaliers; the judge measured them carefully, with leather thongs, to find one of perfect equality with the defendant, and, if none such were found, the latter's oath to his innocence or his rights was accepted; but if one were smaller, the defendant could agree to fight with him. If the combat was on foot, the same preliminaries were observed, except that among the disabilities of the champion was that of being a farrier. The antagonists wore complete armor; the cavaliers had a blunted lance, a shield, and two swords; the footmen the same, except that only one sword was allowed. When the equal champion was found, the two watched their arms that night in the church and heard mass in the morning, after which the defendant swore that he was defending the truth and the champion that he swore falsely. They were then conducted to the field, where the judge laid out the boundaries, the crossing of which by either party was equivalent to defeat. The combat lasted until sunset and might be prolonged for three days, during which the combatants ate and slept together in the house of the judge, who kept them strictly from converse with any one—whoever attempted to speak with them, either there or in the lists, was fined sixty sueldos. Each morning the judge and *alcaldes* replaced them in the field with precisely the same arms that they had had the previous evening. At any time the two combatants could come to terms, unless the fight was for homicide or theft, in which case the consent of the crown was necessary, as it had a share in the *wergild*. If the defendant was worsted, in a case of debt or false-witness, he paid double, and the appellant could hold him until he paid; if for crime in which the crown had an interest, the judge held him until he paid or gave security. The champion, if victorious, received forty sueldos; if beaten, ten sueldos; if he was killed, his widow or children were entitled to twenty. If he came to terms with the defendant after they were armed in the field, he was paid five, increased to ten after the combat had commenced (pp. 107-114).

Did space permit, it would be easy to multiply illustrations of the interesting details of which the *Fuero* is full, but these will suffice to indicate how much is to be gathered from a code so extensive and so

minute. The introduction of the learned editor is devoted to an exhaustive vindication of the antiquity and authority of the *Fuero*, which leaves nothing to be desired except that he might have facilitated reference by a simple table of the rubrics of the several articles, and that a glossary of the words, for which the student may vainly search his Ducange, would have relieved the obscurity of some passages, for those not so familiar as himself with the medieval lore of Aragon.

HENRY CHARLES LEA.

John of Gaunt. By SYDNEY ARMITAGE-SMITH. (New York: Charles Scribner's Sons; London: Archibald Constable and Company, Ltd. 1905 [1904]. . Pp. xxviii, 490.)

If we may trust the silence of the *Catalogue of the British Museum*, the present work is the first attempt at an extended biography of the Duke of Lancaster. Moreover, the difficulties of the subject being such as they are, the author is destined in all probability to hold this field for many years to come. It is of interest, therefore, to know that he regards John of Gaunt with somewhat more favor than the historian ordinarily who treats of this period of English history. He denies that John of Gaunt ever directed his ambition toward the English crown, but holds that his mind was always and at all times set on "continental sovereignty".

In support of his thesis, the author has brought to bear a knowledge of source-material which other workers may well envy. His results, moreover, in the main seem sound. We may fully admit that sufficient importance has not been given to the influence of the Spanish Marriage in shaping the policy of John of Gaunt's later life. The attempt, however, to reverse the accepted view of the duke's relations to English parties at home, and particularly to relieve him of all responsibility for the conditions that disgraced the last years of his father's reign, is not so satisfactory.

The author frankly admits that he finds no support for his view in the *Chronicle of St. Albans*. Now the *Chronicle of St. Albans* presents the only full account that we have of the last years of Edward III. It is, furthermore, unquestionably the work of a contemporary who was in close touch with some of the men who were trying to wrest the government from the corrupt ring who controlled its patronage. The author, however, claims that the chronicler is superstitiously credulous in the matter of dreams and portents and bitterly hostile to John of Gaunt, and that therefore he is "wholly untrustworthy" (p. 134), and his testimony is to be rejected altogether. Is this verdict sound? Adam of Usk, the "hard-headed lawyer and impartial critic" as Mr. Armitage-Smith styles him (p. xxvi), is guilty of folly quite as grave in his pedigree of the Mortimers as the dream of de la Hoo. Warkworth's *Womere waters* and *blazing comets* tax our patience quite as seriously. In fact, if we accept this canon of the author, we shall be forced to rule